U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, D.C. 20410-0001

December 5, 2005

THE SECRETARY

MEMORANDUM FOR: All Managers and Supervisors

FROM: Alphonso Jackson

SUBJECT: Mandatory Management Participation in Mediation

On January 19, 2005, I issued a policy statement on Alternative Dispute Resolution (ADR) in which I stressed my strong commitment to the use of ADR, to the maximum extent practicable, as an appropriate management tool to resolve workplace disputes at the early stage in the Equal Employment Opportunity (EEO) process. Using ADR early on leads to faster, less costly, and more mutually acceptable resolutions. It also allows us to focus on the mission of the Department, in general.

It has come to my attention that there is a question about management's participation when an employee elects mediation to resolve a workplace dispute during the process. In my January ADR policy statement, I emphasized that agency managers have a duty to cooperate in an ADR proceeding concerning a workplace dispute or an EEO complaint once the agency has determined that a matter is appropriate for ADR and the aggrieved person/complainant has elected to participate in ADR. Therefore, I am directing HUD managers and supervisors to accommodate all employee requests for ADR that have been deemed appropriate by the Office of Departmental Equal Employment Opportunity (ODEEO), including participating in mediation.

Mediation provides both parties the opportunity to discuss the issues raised in the dispute, clarify any misunderstandings, and find areas of agreement. Pursuing ADR should never be construed as an admission by the Department of any acts of impermissible discrimination or reprisal; rather, it reflects good judgment, as well as compliance with Departmental policy. Every manager and supervisor who is assigned to represent the Department in the mediation process is expected to participate in good faith and make every reasonable effort to reach resolution. If the parties fail to reach an agreement during the mediation process, the management official must document why, in writing, to the Office of the Secretary.

ADR is a priority for HUD, and I expect each of you to support and participate in this process. To further assist you in the ADR process, ODEEO has scheduled ADR training on December 7-8, 2005.

If you have any additional questions, please contact the ADR Office on (202) 708-2001.

cc:
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